

Notice of Allowability	Application No.	Applicant(s)	
	10/719,355	LEE ET AL.	
	Examiner	Art Unit	
	Sin J. Lee	1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-21-2003.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 21 November 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>02012005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael R. Hull (attorney for applicants) on February 1, 2005.
3. The application has been amended as follows:

In Claim 2, line 2, change "4000□40000" to --- 4000 – 40000 ---.

In Claim 9, line 2, change "4000□40000" to --- 4000 – 40000 ---.

Cancel Claim 21.

4. The following is an examiner's statement of reasons for allowance: Salamone et al (US 2003/0236375 A1) teaches a polymer (see [0021]) which comprises the present repeating unit of Formula 3. However, the reference does not teach or fairly suggest the present repeating unit of Formula1. Lenke et al (4,151,333) teaches (see col.2, lines 17-68, col.3, lines 1-29) a polymer that includes the present repeating unit of Formula 3. However, the reference does not teach or fairly suggest the present repeating unit of Formula1. Kelly et al (US 6,593,142 B2) teaches a polymeric food spoilage sensor that comprises a polymer containing a polyazamacrocyclic transition metal complex (see abstract). In order to make the polymer containing a

Art Unit: 1752

polyazamacrocyclic transition metal complex, Kelly first provides a four-coordinate polyazamacrocyclic transition metal complex containing one or more polymerizable moieties and then copolymerizes the transition metal complex with *monomer* and optional crosslinking agent (see col.2, lines 59-67). Among the hundreds of examples listed (see col.6, lines 37-67, col.7, col.8, lines 1-65) for the *monomer*, "acrolein dimethyl acetal" (which fits the present Formula 1) and "N,N'-dimethylacrylamide" (which fits the present Formula 3) are mentioned. However, the reference does not provide one of ordinary skill in the art enough motivation or reason to choose *both of* those specific monomers (among so many examples) to be copolymerized with the transition metal complex, *especially in the presently claimed mol % ranges*. Therefore, present inventions of claims 1-20 are distinguishable over those of Salamone et al'375, Lenke et al'333, and Kelly et al'142.

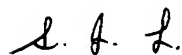
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sin J. Lee whose telephone number is 571-272-1333. The examiner can normally be reached on Monday-Friday from 9:00 am EST to 5:30 pm EST.

Art Unit: 1752

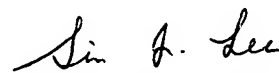
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly, can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



S. Lee

February 1, 2005



Sin J. Lee

Patent Examiner

Technology Center 1700